

NOTICE OF PREPARATION (NOP),
INITIAL STUDY, AND COMMENTS ON THE NOP



ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

April 9, 2009

NOTICE IS HEREBY GIVEN that the County of San Diego, Department of Planning and Land Use will be the Lead Agency and will prepare an Environmental Impact Report in accordance with the California Environmental Quality Act for the following projects. The Department is seeking public and agency input on the scope and content of the environmental information to be contained in the Environmental Impact Report. A Notice of Preparation document, which contains a description of the probable environmental effects of the project, can be reviewed on the World Wide Web at http://www.sdcounty.ca.gov/dplu/ceqa_public_review.html, at the Department of Planning and Land Use (DPLU), Project Processing Counter, 5201 Ruffin Road, Suite B, San Diego, California 92123 and at the public libraries listed below. Comments on the Notice of Preparation document must be sent to the DPLU address listed above and should reference the project number and name.

GPA 05-010; SP03-003; R04-008; TM 5295RPL⁷; S04-015; LOG NO. 02-08-047;
SUGARBUSH RESIDENTIAL DEVELOPMENT PROJECT. The project proposes the development of 45 residential lots on the 115.5-acre project site, adjacent to existing residential land use. Zoning would be changed from A70 to S88, which would have a density of 0.39, and minimum lot size of 0.5 acres. A total of 322,000 cubic yards of cut and fill, balanced onsite, is estimated for the project. Maximum heights of cut and fill slopes will be 40 feet and 37 feet, respectively, at 2:1 ratio. Total onsite open space area proposed is 77 acres. The project is located at the southern terminus of Sugarbush Drive, and western terminuses of Cleveland Trail and Lone Oak Lane, within the North County Metro Community/Regional Planning Area within the unincorporated area of San Diego County. Comments on this Notice of Preparation document must be received no later than Friday, May 8, 2009 at 4:00 p.m. (a 30 day public review period). This Notice of Preparation can also be reviewed at the San Marcos Branch Library located at 2 Civic Center Drive, San Marcos, CA 92069, and Vista Branch Library located at 700 Eucalyptus Ave., Vista, CA 92084. For additional information, please contact Robert Hingtgen at (858) 694-3712 or by e-mail at robert.hingtgen@sdcounty.ca.gov.



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NOTICE OF PREPARATION DOCUMENTATION

DATE: April 9, 2009

PROJECT NAME: Sugarbush Residential Development Project

PROJECT NUMBER(S): GPA 05-010, SP 03-003, R04-008, TM5295RPL⁷, S04-015

PROJECT APPLICANT: Sugarbush L.P.

ENV. REVIEW NUMBER: 02-08-047

PROJECT DESCRIPTION:

The project proposes a General Plan Amendment, Specific Plan, Rezone, Tentative Map, and Site Plan for a 45-lot subdivision of 115.5 acres (APN 181-162-05, 181-162-15, 181-162-16, 181-170-33, and 184-080-08) with two open space areas totaling 77.13 acres. Proposed residential lot size ranges from 0.5 to 1.73 acres. The current General Plan requires minimum gross parcel sizes of two and four acres, and the current zone is A70 (Limited Agriculture) that requires a net minimum lot size of 2 acres. The General Plan Amendment would change the Land Use Designation from (17) Estate to (21) Specific Plan, and provide text for the North County Metropolitan Subregional Plan that would limit density to 0.39 and a minimum lot size of 0.5 acres. The Specific Plan application is to guide the development of this master planned residential community and requires rezoning of the site from A70 to S88. The proposed S88 zoning will have a density of 0.39, and minimum lot size of 0.5 acres. The Specific Plan also proposes variable setbacks on the residential lots with a "V" designator. The Site Plan identifies the setbacks on each lot.

Residential lots are concentrated along the lower elevation, central and southwestern boundary of the site. The proposed open-space consists of higher elevation steep slopes and drainages with native vegetation. This design places new residential land

use adjacent to existing residential land use, and places open space area next to undeveloped, higher elevation slopes with native vegetation. A total of 322,000 cubic yards of cut and fill, balanced onsite, is estimated for the project. Maximum heights of cut and fill slopes will be 40 feet and 37 feet, respectively, at 2:1 ratio. Total onsite open space area proposed is 77.13 acres.

Primary access will be taken from Sugarbush Drive, which currently dead-ends at the project site's north-central boundary. Sugarbush Drive will be extended into the project along a 60-foot easement with a paved width of 40 feet. A gated secondary emergency access is proposed through Lot F on the western boundary of the site that will connect to Buena Creek Road via Cleveland Trail. This secondary emergency access will consist of 24 feet of paved surface width over 28 feet graded within a 30-foot easement both onsite and offsite. Pursuant to Vista Fire Protection District requirements, the project will also construct Street E (onsite) as a gated emergency access road. Only onsite improvements are required for Street E, the project is not required to make any offsite improvements to either Lone Oak Lane or Lone Oak Road, located on the west side of the project. The onsite secondary emergency access road (Street E) will have 24-feet of paved width. Sewer service will be provided by Buena Sanitation District, and extended to the project from Cleveland Trail, located on the west side of the site. Water service will be provided by Vista Irrigation District, and extended from Sugarbush Drive, Lone Oak Lane, and Cleveland Trail. Vista Fire Protection District will provide emergency service to the project site.

PROJECT LOCATION:

The project is located north of San Marcos and east of Vista. It is located at the southern terminus of Sugarbush Drive, and western terminuses of Cleveland Trail and Lone Oak Lane, within the North County Metro Planning Area in the unincorporated area of San Diego County. Refer to attached Regional Location and Project Location maps.

PROBABLE ENVIRONMENTAL EFFECTS:

The probable environmental effects associated with the project are detailed in the attached Environmental Initial Study. All questions answered "Potentially Significant Impact" or "Less than Significant with Mitigation Incorporated" will be analyzed further in the Environmental Impact Report. All questions answered "Less than Significant Impact" or "Not Applicable" will not be analyzed further in the Environmental Impact Report.

The following is a list of the subject areas to be analyzed in the EIR and the particular issues of concern:

Aesthetics/Visual Resources

- Air Quality
- Biological Resources
- Cultural Resources
- Hazards – Fire Service/Safety
- Hydrology and Water Quality
- Land Use Planning
- Noise
- Transportation/Traffic
- Mandatory Findings of Significance

Additionally, the following detailed environmental technical studies will also be completed and integrated into the Draft EIR:

- Visual Impact Analysis including a Conceptual Landscape Plan
- Air Quality Analysis
- Biological Resources Report
- Cultural Resources Survey Report
- Fire Protection Plan
- Preliminary CEQA Hydrology Report
- Stormwater Management Plan
- Preliminary Grading Plan
- Noise Analysis
- Traffic Impact Analysis

Attachments:

- Project Regional Location Map
- Project Detailed Location Map
- Site Plan Exhibit
- Tentative Map Exhibit
- Environmental Initial Study



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April 9, 2009

CEQA Initial Study - Environmental Checklist Form (Based on the State CEQA Guidelines, Appendix G Rev. 10/04)

1. Project Number(s)/Environmental Log Number/Title:

GPA 05-010; SP03-003; R04-008; TM 5295RRPL⁷; S04-015; Log No. 02-08-047;
SCH#: 2005121098
Sugarbush Residential Development Project

2. Lead agency name and address:

County of San Diego, Department of Planning and Land Use
5201 Ruffin Road, Suite B,
San Diego, CA 92123-1666

3. a. Contact Robert Hingtgen, Planner III
b. Phone number: (858) 694-3712
c. E-mail: robert.hingtgen@sdcounty.ca.gov.

4. Project location:

The project is located north of San Marcos and east of Vista. It is located at the southern terminus of Sugarbush Drive, and western terminuses of Cleveland Trail and Lone Oak Lane, within the North County Metro Planning Area in the unincorporated area of San Diego County.

Thomas Brothers Coordinates: Page 1108, Grid D1, D2, E1, and E2

5. Project sponsor's name and address:

Robert Booker, Sugarbush L.P., P.O Box 231639, Encinitas, CA 92023-1639;

6. General Plan Designation
Community Plan: North County Metro
Land Use Designation: 17 – Estate Residential
Density: 1 du/2, 4 acre(s)
7. Zoning
Use Regulation: A-70 Limited Agriculture
Density: 0.5 du/acre
Special Area Regulation: none

8. Description of project:

The project proposes a General Plan Amendment, Specific Plan, Rezone, Tentative Map, and Site Plan for a 45-lot subdivision of 115.5 acres (APN 181-162-05, 181-162-15, 181-162-16, 181-170-33, and 184-080-08) with two open space areas totaling 77.13 acres. Proposed residential lot size ranges from 0.5 to 1.73 acres. The current General Plan requires minimum gross parcel sizes of two and four acres, and the current zone is A70 (Limited Agriculture) that requires a net minimum lot size of 2 acres. The General Plan Amendment would change the Land Use Designation from (17) Estate to (21) Specific Plan, and provide text for the North County Metropolitan Subregional Plan that would limit density to 0.39 and a minimum lot size of 0.5 acres. The Specific Plan application is to guide the development of this master planned residential community and requires rezoning of the site from A70 to S88. The proposed S88 zoning will have a density of 0.39, and minimum lot size of 0.5 acres. The Specific Plan also proposes variable setbacks on the residential lots with a "V" designator. The Site Plan identifies the setbacks on each lot.

Residential lots are concentrated along the lower elevation, central and southwestern boundary of the site. The proposed open-space consists of higher elevation steep slopes and drainages with native vegetation. This design places new residential land use adjacent to existing residential land use, and places open space area next to undeveloped, higher elevation slopes with native vegetation. A total of 322,000 cubic yards of cut and fill, balanced onsite, is estimated for the project. Maximum heights of cut and fill slopes will be 40 feet and 37 feet, respectively, at 2:1 ratio. Total onsite open space area proposed is approximately 77 acres.

Primary access will be taken from Sugarbush Drive, which currently dead-ends at the project site's north-central boundary. Sugarbush Drive will be extended into the project along a 60-foot easement with a paved width of 40 feet. A gated secondary emergency access is proposed through Lot F on the western boundary of the site that will connect to Buena Creek Road via Cleveland Trail. This secondary emergency access will consist of 24 feet of paved surface width over 28 feet graded within a 30-foot easement both onsite and offsite. Pursuant to Vista Fire Protection District requirements, the project will also construct Street

E (onsite) as a gated emergency access road. Only onsite improvements are required for Street E, the project is not required to make any offsite improvements to either Lone Oak Lane or Lone Oak Road, located on the west side of the project. The onsite secondary emergency access road (Street E) will have 24-feet of paved width. Sewer service will be provided by Buena Sanitation District, and extended to the project from Cleveland Trail, located on the west side of the site. Water service will be provided by Vista Irrigation District, and extended from Sugarbush Drive, Lone Oak Lane, and Cleveland Trail. Vista Fire Protection District will provide emergency service to the project site.

9. Surrounding land uses and setting (Briefly describe the project's surroundings):

Surrounding land uses include a mosaic of estate residential, residential development, and agricultural property to the north and west, and undeveloped property to the east and south. The project site is vacant and undeveloped. The far northeastern portion of the site was previously used as an avocado grove. Site topography consists of a series of hills and canyons. Dirt roads provide access to the site. Elevation ranges from 1,050 feet above mean sea level (AMSL) at the northeast portion of the property to 565 (AMSL) in the bottom of an arroyo as it exits the west side of the property. Drainages are present on site and flow into Buena Creek. Onsite vegetation types include Non-native grassland, Diegan Coastal Sage Scrub, Coastal Sage-Chaparral Scrub, Coast Live Oak Woodland, Coyote Brush Scrub, Eucalyptus Woodland, and other scattered Non-native vegetation.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

<u>Permit Type/Action</u>	<u>Agency</u>
Habitat Loss Permit	County of San Diego
Landscape Plans	County of San Diego
Rezone	County of San Diego
Road Opening	County of San Diego
Road Vacation	County of San Diego
Site Plan	County of San Diego
Specific Plan	County of San Diego
Tentative Map	County of San Diego
County Right-of-Way Permits	County of San Diego
Construction Permit	
Excavation Permit Encroachment Permit	
Grading Permit	County of San Diego
Improvement Plans	County of San Diego
Remandment of Relinquished Access Rights	County of San Diego
Exploratory Borings, Direct-push	County of San Diego

Samplers and Cone Penotrometers

Permits

401 Permit - Water Quality Certification

404 Permit – Dredge and Fill

1602 – Streambed Alteration Agreement

Air Quality Permit to Construct
General Construction Storm water
Permit

Water District Approval

Sewer District Approval

School District Approval

Regional Water Quality Control
Board (RWQCB)

US Army Corps of Engineers
(ACOE)

CA Department of Fish and Game
(CDFG)

Air Pollution Control District (APCD)
RWQCB

Vista Irrigation District

Buena Sanitation District

Vista Unified School Districts

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> <u>Aesthetics</u> | <input type="checkbox"/> <u>Agriculture Resources</u> | <input checked="" type="checkbox"/> <u>Air Quality</u> |
| <input checked="" type="checkbox"/> <u>Biological Resources</u> | <input checked="" type="checkbox"/> <u>Cultural Resources</u> | <input type="checkbox"/> <u>Geology & Soils</u> |
| <input checked="" type="checkbox"/> <u>Hazards & Haz. Materials</u> | <input checked="" type="checkbox"/> <u>Hydrology & Water Quality</u> | <input checked="" type="checkbox"/> <u>Land Use & Planning</u> |
| <input type="checkbox"/> <u>Mineral Resources</u> | <input checked="" type="checkbox"/> <u>Noise</u> | <input type="checkbox"/> <u>Population & Housing</u> |
| <input type="checkbox"/> <u>Public Services</u> | <input type="checkbox"/> <u>Recreation</u> | <input checked="" type="checkbox"/> <u>Transportation/Traffic</u> |
| <input type="checkbox"/> <u>Utilities & Service Systems</u> | <input checked="" type="checkbox"/> <u>Mandatory Findings of Significance</u> | |

DETERMINATION: (To be completed by the Lead Agency)

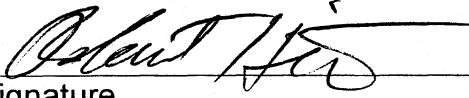
On the basis of this initial evaluation:

- ☐ On the basis of this Initial Study, the Department of Planning and Land Use finds that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ On the basis of this Initial Study, the Department of Planning and Land Use finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☒ On the basis of this Initial Study, the Department of Planning and Land Use finds that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

CEQA Initial Study,
GPA 05-010, SP03-003, R04-008,
TM 5295RPL⁷, S04-015, Log No. 02-08-047

- 5 -

APRIL 9, 2009



Signature

April 9, 2009

Date

Robert Hingtgen

Printed Name

Land Use/Environmental Planner

Title

INSTRUCTIONS ON EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance

I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: Scenic vistas are singular vantage points that offer unobstructed views of valued viewsheds, including areas designated as official scenic vistas along major highways. Based on a site visit completed by Robert Hingtgen on October 13, 2003 the proposed project is located near or within the viewshed of a scenic vista. The viewshed and visible components of the landscape within that viewshed, including the underlying landform and overlaying landcover, establish the visual environment for the scenic vista. The visual environment and composition consists of a group of visually prominent undeveloped steep-sided hillsides covered with native vegetation south of Buena Creek Road. Elevation of this area ranges from approximately 600 to over 1100 feet mean sea level.

The proposed project will place 45 residential lots on the very western edge of this area. The project will place this development on the lower elevation (<740 feet mean sea level), flatter, and less visually prominent portion of the area.

Potential significant impacts will be further evaluated in a revised Visual Impact Analysis report and Conceptual Landscape Plan, and in the Draft EIR.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

No Impact: State scenic highways refer to those highways that are officially designated. A scenic highway is officially designated as a State scenic highway when the local jurisdiction adopts a scenic corridor protection program, applies to the California Department of Transportation for scenic highway approval, and receives notification from Caltrans that the highway has been designated as an official Scenic Highway. Based on a site visit completed by Robert Hingtgen on October 13, 2003 the proposed project is not located near or visible within the same composite viewshed as a State scenic highway and will not change the visual composition of an existing scenic resource within a State scenic highway. Generally, the area defined within a State scenic highway is the land adjacent to and visible from the vehicular right-of-way. The dimension of a scenic highway is usually identified using a motorist's line of vision, but a reasonable boundary is selected when the view extends to the distant horizon.

Therefore, the proposed project will not have any substantial adverse effect on a scenic resource within a State scenic highway.

- c) Substantially degrade the existing visual character or quality of the site and its surroundings?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: Visual character is the objective composition of the visible landscape within a viewshed. Visual character is based on the organization of the pattern elements line, form, color, and texture. Visual character is commonly discussed in terms of dominance, scale, diversity and continuity. Visual quality is the viewer's perception of the visual environment and varies based on exposure, sensitivity and expectation of the viewers. Based on the site visit completed by Robert Hingtgen on October 13, 2003 the existing visual character and quality of the project site and surrounding can be characterized as: the project site is part of a several hundred acre area of visually prominent undeveloped steep-sided hillsides covered with native vegetation south of Buena Creek Road. Elevation of this area ranges from approximately 600 to over 1100 feet mean sea level. Surrounding this area is residential development with landscaped yards and agricultural land uses.

The proposed project will place 45 residential lots on the very western edge of this undeveloped area. The project will place this development on the lower elevation (<740 feet mean sea level), flatter, and less visually prominent portion of the area.

Potential significant impacts will be further evaluated in a revised Visual Impact Analysis report and Conceptual Landscape Plan, and in the Draft EIR.

Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Less Than Significant Impact: The proposed project will use outdoor lighting and is located within Zone B as identified by the San Diego County Light Pollution Code. However, it will not adversely affect nighttime views or astronomical observations, because the project will conform to the Light Pollution Code (Section 59.101-59.115), including the Zone B lamp type and shielding requirements per fixture and hours of operation limitations for outdoor lighting and searchlights.

The project will not contribute to significant cumulative impacts on day or nighttime views because the project conforms to the Light Pollution Code. The Code was developed by the San Diego County Department of Planning and Land Use and Department of Public Works in cooperation with lighting engineers, astronomers, land use planners from San Diego Gas and Electric, Palomar and Mount Laguna observatories, and local community planning and sponsor groups to effectively address and minimize the impact of new sources light pollution on nighttime views. The standards in the Code are the result of this collaborative effort and establish an acceptable level for new lighting. Compliance with the Code is required prior to issuance of any building permit for any project. Mandatory compliance for all new building permits ensures that this project in combination with all past, present and future projects will not contribute to a cumulatively considerable impact. Therefore, compliance with the Code ensures that the project will not create a significant new source of substantial light or glare, which would adversely affect daytime or nighttime views in the area, on a project or cumulative level.

II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

☐ Potentially Significant Impact
☐ Potentially Significant Unless
Mitigation Incorporated

☒ Less than Significant Impact
☐ No Impact

Less Than Significant Impact: The project site contains Farmland of Local Importance. However, the project site does not currently support any agricultural operations except a limited area used as an apiary. Adjacent properties to the west of the project site are zoned RR1 (Rural Residential). Current agricultural activities on these parcels include wholesale growers, small-scale fruit and produce production, and permitted holdings of birds, wild fowl and small livestock. The proposed S88 zoning for project site has the same minimum lot size (0.5 acre), animal regulations and agricultural use types (horticulture, tree crops, and row and field crops) as the Rural Residential zoning of the adjacent Lone Oak Lane/Road neighborhood to the west. Therefore, this project would not result in a significant conversion of farmland resources to non-agricultural use.

- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Less Than Significant Impact: The project site is zoned A-70, which is considered to be an agricultural zone. The proposed project will not conflict with A70 zoning as there is no agricultural use of the site except a limited area used as an apiary. The proposed S88 zoning for project site has the same minimum lot size (0.5 acre), animal regulations, and agricultural use types (horticulture, tree crops, and row and field crops) as the Rural Residential zoning of the adjacent Lone Oak Lane/Road neighborhood to the west. The proposed S88 zoning will not conflict with any agricultural activities that may be practiced along existing Sugarbush Drive. The proposed residences are a minimum of 900 feet from the Sugarbush Drive area which is zoned A70 and the proposed S88 zoning has the same permitted agricultural use types as the A70 zone except for Packing and Processing, Wholesale Limited Winery. Additionally, the project site's land is not under a Williamson Act Contract. Therefore, there will be no conflict with existing zoning for agricultural use, or a Williamson Act contract.

To further ensure there are no conflicts with existing agricultural land uses, Section 63.404 of the San Diego County Code of Regulatory Code of Regulatory Ordinances requires all sellers of real property in the unincorporated portion of the County to provide the following noticing to all prospective buyers:

"Agricultural operations are located throughout the unincorporated area of San Diego County and are often conducted on relatively small parcels. The subject property is also located in the unincorporated area and, as such, is likely to be located near an agricultural enterprise, activity, operation, or facility or appurtenances thereof (collectively, "agricultural use"). Occupants of the property to be purchased may be exposed to inconveniences, irritations or discomforts arising from the agricultural use, including but not limited to noise, odors, fumes, dust, smoke, insects, rodents, the operation of machinery of any kind (including aircraft) during any 24 hour period, the storage and disposal of manure, and the application by spraying or other means of agricultural chemicals, such as pesticides and fertilizers. Purchasers of the property may be required to accept such inconveniences, irritations and discomforts, unless the agricultural use constitutes a public or private nuisance under the provisions of Section 3482.5 of the Civil Code or Section 63.403 of the San Diego County Code. The agricultural use may be altered or expanded in the future."

- c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless | <input type="checkbox"/> No Impact |

Mitigation Incorporated

Less Than Significant Impact: The surrounding area contains some agriculture uses. However, the proposed use does not propose to significantly alter the project site's agricultural uses to non-agricultural uses since this project site does not presently support agricultural operations except a limited area currently used as an apiary. As proposed, the project will not result in converting any agricultural uses to non-agricultural uses. See responses to a) and b) above. Therefore, the proposed project will not have a significant impact involving changes in the existing environment which would result in conversion of Farmland to non-agricultural use.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) Conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP)?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: The project proposes development with density levels that are somewhat less than densities anticipated in the SANDAG growth projections used in development of the RAQS and SIP, despite the Rezone application (R04-008) associated with the project. Operation of the project will not result in emissions of significant quantities of criteria pollutants listed in the California Ambient Air Quality Standards or toxic air contaminants as identified by the California Air Resources Board, as described in the Air Quality Technical Report prepared by Scientific Resources Associated (October 14, 2004). As such, the proposed project is not expected to conflict with either the RAQS or the SIP. However, this will be further evaluated in the Air Quality Technical Report and Draft EIR.

- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: In general, air quality impacts from land use projects are the result of emissions from motor vehicles, and from short-term construction activities associated with such projects. The San Diego County Air Pollution Control District (SDAPCD) has established screening-level criteria for all new source review (NSR) in APCD Rule 20.2. For CEQA purposes, these

screening-level criteria can be used as numeric methods to demonstrate that a project's total emissions (e.g. stationary and fugitive emissions, as well as emissions from mobile sources) would not result in a significant impact to air quality. Since APCD does not have screening-level criteria for emissions of volatile organic compounds (VOCs), the use of the screening level for reactive organic compounds (ROC) from the CEQA Air Quality Handbook for the South Coast Air Basin (SCAB), which has stricter standards for emissions of ROCs/VOCs than San Diego's, is appropriate.

The project proposes the development of 45 residential lots and will grade a total of 322,000 cubic yards of material over approximately 38 acres of the project site. Potentially significant air quality impacts will be further evaluated in the Air Quality Technical Report and Draft EIR.

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

☐ Potentially Significant Impact

☐ Less than Significant Impact

☒ Potentially Significant Unless Mitigation Incorporated

☐ No Impact

Potentially Significant Unless Mitigation Incorporated: San Diego County is presently in non-attainment for the 1-hour concentrations under the California Ambient Air Quality Standard (CAAQS) for Ozone (O₃). San Diego County is also presently in non-attainment for the annual geometric mean and for the 24-hour concentrations of Particulate Matter less than or equal to 10 microns (PM₁₀) under the CAAQS. O₃ is formed when volatile organic compounds (VOCs) and nitrogen oxides (NO_x) react in the presence of sunlight. VOC sources include any source that burns fuels (e.g., gasoline, natural gas, wood, oil); solvents; petroleum processing and storage; and pesticides. Sources of PM₁₀ in both urban and rural areas include: motor vehicles, wood burning stoves and fireplaces, dust from construction, landfills, agriculture, wildfires, brush/waste burning, and industrial sources of windblown dust from open lands.

Air quality emissions associated with the project include emissions of PM₁₀, NO_x and VOCs from construction/grading activities, and VOCs as the result of increase of traffic from operations at the facility. Potentially significant air quality impacts will be further evaluated in the Air Quality Technical Report and Draft EIR.

- d) Expose sensitive receptors to substantial pollutant concentrations?

☐ Potentially Significant Impact

☐ Less than Significant Impact

☒ Potentially Significant Unless Mitigation Incorporated

☐ No Impact

Potentially Significant Unless Mitigation Incorporated: Air quality regulators typically define sensitive receptors as schools (Preschool-12th Grade), hospitals, resident care facilities, or day-care centers, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. Potentially significant air quality impacts to sensitive receptors will be further evaluated in the Air Quality Technical Report and Draft EIR.

e) Create objectionable odors affecting a substantial number of people?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: The project could produce objectionable odors, which would result from volatile organic compounds, ammonia, carbon dioxide, hydrogen sulfide, methane, alcohols, aldehydes, amines, carbonyls, esters, disulfides dust and endotoxins from the construction and operational phases. Potentially significant air quality impacts to sensitive receptors will be further evaluated in the Air Quality Technical Report and Draft EIR.

IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: The site is dominated by coastal sage scrub habitat with some small areas of oak woodland and non-native grassland. Overall, the site contains 1-acre of Coast Live Oak Woodland, 91.3 acres of Diegan Coastal Sage Scrub, 2.8 acres of Coastal Sage-Chaparral Scrub, 0.3-acre of Coyote Brush Scrub, 13.5 acres of Non-Native Grassland, 0.2-acre of Eucalyptus Woodland, 2.0 acres of Non-Native Vegetation, 4.1 acres of Disturbed Land, 0.1-acre of Orchard, and 0.2-acre of Developed Land. The project will also be required to make offsite improvements to Cleveland Trail for emergency access. Cleveland Trail crosses the Buena Creek drainage before its intersection with Buena Creek Road.

Potentially significant impacts to candidate, sensitive, or special status wildlife species will be evaluated in the Biological Resources Report and Draft EIR.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: The site is dominated by coastal sage scrub habitat with some small areas of oak woodland and non-native grassland. Overall, the site contains 1-acre of Coast Live Oak Woodland, 91.3 acres of Diegan Coastal Sage Scrub, 2.8 acres of Coastal Sage-Chaparral Scrub, 0.3-acre of Coyote Brush Scrub, 13.5 acres of Non-Native Grassland, 0.2-acre of Eucalyptus Woodland, 2.0 acres of Non-Native Vegetation, 4.1 acres of Disturbed Land, 0.1-acre of Orchard, and 0.2-acre of Developed Land. The project will also be required to make offsite improvements to Cleveland Trail for emergency access. Cleveland Trail crosses the Buena Creek drainage before its intersection with Buena Creek Road.

Potentially significant impacts to riparian habitat or other sensitive natural communities will be evaluated in the Biological Resources Report and Draft EIR.

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: The project will be required to make offsite improvements to Cleveland Trail for emergency access. Cleveland Trail crosses the Buena Creek drainage before its intersection with Buena Creek Road. In addition, the extension of Sugarbush Drive for the project's main access will cross a drainage feature.

Potentially significant impacts to federally protected wetlands will be evaluated in the Biological Resources Report and Draft EIR.

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Mitigation Incorporated

Potentially Significant Unless Mitigation Incorporated: The site contains a drainage feature that connects to Buena Creek approximately ¼ mile to the west of the project site. Onsite habitats are contiguous with habitat offsite to the south and east. Potential impacts to the movement of candidate, sensitive, or special status wildlife species will be evaluated in the Biological Resources Report and Draft EIR.

- e) Conflict with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, other approved local, regional or state habitat conservation plan or any other local policies or ordinances that protect biological resources?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: A Draft Habitat Loss Permit will be developed for the project upon review and acceptance of the Biological Technical Report that is being revised for the project. Potentially significant impacts to any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, other approved local, regional or state habitat conservation plan, including, Habitat Management Plans (HMP) Special Area Management Plans (SAMP) or any other local policies or ordinances that protect biological resources will be evaluated in the Biological Resources Report and Draft EIR.

V. CULTURAL RESOURCES -- Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: The Cultural Resources Survey report for the project will be revised to further address significance of any potential historic resources on the project site. The evaluation of any potentially significant effects will be contained in the Cultural Resources Survey report and Draft EIR.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
|---|---|

- ☒ Potentially Significant Unless
Mitigation Incorporated ☐ No Impact

Potentially Significant Unless Mitigation Incorporated: The Cultural Resources Survey report for the project will be revised to further address significance of any archaeological resources on the project site. The evaluation of any potentially significant effects will be contained in the Cultural Resources Survey report and Draft EIR.

- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

- ☐ Potentially Significant Impact ☐ Less than Significant Impact
☒ Potentially Significant Unless
Mitigation Incorporated ☐ No Impact

Potentially Significant Unless Mitigation Incorporated: A review of the paleontological maps provided by the San Diego Museum of Natural History, combined with available data on San Diego County's geologic formations indicates that the project is located on geological formations (Upper Jurassic and Lower Cretaceous Marine and Nonmarine) that have marginal resource potential. Marginal resource potential is assigned to geologic formations that are composed either of volcanic rocks or high-grade metasedimentary rocks, but which nevertheless have a limited probability for producing fossil remains from certain sedimentary lithologies at localized outcrops.

This issue will be further evaluated in the Draft EIR.

- d) Disturb any human remains, including those interred outside of formal cemeteries?

- ☐ Potentially Significant Impact ☐ Less than Significant Impact
☒ Potentially Significant Unless
Mitigation Incorporated ☐ No Impact

Potentially Significant Unless Mitigation Incorporated: Previous survey of the project did not indicate that the project would disturb any human remains. However, the Cultural Resources Survey report is being updated and will further evaluate this issue. Results will also be presented in the Draft EIR.

VI. GEOLOGY AND SOILS -- Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
- i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist

for the area or based on other substantial evidence of a known fault?
Refer to Division of Mines and Geology Special Publication 42.

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

No Impact: The project is not located in a fault rupture hazard zone identified by the Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42, Revised 1997, Fault-Rupture Hazards Zones in California. Therefore, there will be no impact from the exposure of people or structures to adverse effects from a known hazard zone as a result of this project.

ii. Strong seismic ground shaking?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

No Impact: The Uniform Building Code (UBC) and the California Building Code (CBC) classifies all San Diego County with the highest seismic zone criteria, Zone 4. However, the project is not located within 5 kilometers of the centerline of a known active-fault zone as defined within the Uniform Building Code's Maps of Known Active Fault Near-Source Zones in California. In addition, the project will have to conform to the Seismic Requirements -- Chapter 16 Section 162- *Earthquake Design* as outlined within the California Building Code. Section 162 requires a soils compaction report with proposed foundation recommendations to be approved by a County Structural Engineer before the issuance of a building or grading permit. Therefore, there will be no impact from the exposure of people or structures to potential adverse effects from strong seismic ground shaking as a result of this project.

iii. Seismic-related ground failure, including liquefaction?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

No Impact: The geology of the project site is identified as Upper Jurassic and Lower Cretaceous Marine and Nonmarine. This geologic environment is not susceptible to ground failure from seismic activity. In addition, the site is not underlain by poor artificial fill or located within a floodplain. Therefore, there will be no impact from the exposure of people to adverse effects from a known area susceptible to ground failure.

iv. Landslides?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

No Impact: The site is not located within a landslide susceptibility zone.

b) Result in substantial soil erosion or the loss of topsoil?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Less Than Significant Impact: According to the Soil Survey of San Diego County, the soils on-site are identified as Escondido very fine sandy loam (EsD2), Escondido very fine sandy loam (EsE2), Friant fine sandy loam (FwF), Friant rocky fine sandy loam (FxE), and Huerhuero loam (HrC2), which have a soil erodibility rating of "severe" as indicated by the Soil Survey for the San Diego Area, prepared by the US Department of Agriculture, Soil Conservation and Forest Service dated December 1973. However, the project will not result in substantial soil erosion or the loss of topsoil for the following reasons:

- The project will not result in unprotected erodible soils; will not alter existing drainage patterns; is not located in a floodplain, wetland, or significant drainage feature; and will not develop steep slopes.
- The project has prepared a Stormwater Management Plan prepared by BHA, Inc. dated July 10, 2008. The plan includes the following Best Management Practices (BMPs) to ensure sediment does not erode from the project site: Construction phase BMPs include silt fencing, gravelbag barrier, stockpile management, gravelbag berm, rock filter, stabilized construction entrance/exit, and permanent re-vegetation of all disturbed areas. Post construction BMPs include landscaping of all slopes and common areas, and a De-Siltation basin.
- The project involves grading. However, the project is required to comply with the San Diego County Code of Regulations, Title 8, Zoning and Land Use Regulations, Division 7, Sections 87.414 (DRAINAGE - EROSION PREVENTION) and 87.417 (PLANTING). Compliance with these regulations minimizes the potential for water and wind erosion.

Due to these factors, it has been found that the project will not result in substantial soil erosion or the loss of topsoil on a project level.

In addition, the project will not contribute to a cumulatively considerable impact because all the of past, present and future projects included on the list of projects that involve grading or land disturbance are required to follow the requirements of the San Diego County Code of Regulations, Title 8, Zoning and Land Use Regulations, Division 7, Sections 87.414 (DRAINAGE - EROSION PREVENTION) and 87.417 (PLANTING);

Order 2001-01 (NPDES No. CAS 0108758), adopted by the San Diego Region RWQCB on February 21, 2001; County Watershed Protection, Storm Water Management, and Discharge Control Ordinance (WPO) (Ord. No. 9424); and County Storm water Standards Manual adopted on February 20, 2002, and amended January 10, 2003 (Ordinance No. 9426). Refer to XVII. Mandatory Findings of Significance for a comprehensive list of the projects considered.

- c) Will the project produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

No Impact: The project is not located on or near geological formations that are unstable or would potentially become unstable as a result of the project. For further information refer to VI Geology and Soils, Question a., i-iv listed above.

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Less Than Significant Impact: The project is located on expansive soils as defined within Table 18-1-B of the Uniform Building Code (1994). This was confirmed by staff review of the Soil Survey for the San Diego Area, prepared by the US Department of Agriculture, Soil Conservation and Forest Service dated December 1973. One of the on-site soil types is Huerhuero loam, 5-9% slopes, which has a high shrink/swell potential. However the project will not have any significant impacts because the project is required to comply the improvement requirements identified in the 1997 Uniform Building Code, Division III – Design Standard for Design of Slab-On-Ground Foundations to Resist the Effects of Expansive Soils and Compressible Soils, which ensure suitable structure safety in areas with expansive soils.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

No Impact: The project will rely on public water and sewer for the disposal of wastewater. A service availability letter has been received from the Buena Sanitation District indicating that the facility has adequate capacity for the projects wastewater disposal needs. No septic tanks or alternative wastewater disposal systems are proposed.

VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Potentially Significant Unless Mitigation Incorporation	<input checked="" type="checkbox"/> No Impact

No Impact: The project will not create a significant hazard to the public or the environment because it does not propose the storage, use, transport, emission, or disposal of Hazardous Substances, nor are Hazardous Substances proposed or currently in use in the immediate vicinity.

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated	<input checked="" type="checkbox"/> No Impact

No Impact: The project will not contain, handle, or store any potential sources of chemicals or compounds that would present a significant risk of accidental explosion or release of hazardous substances.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated	<input checked="" type="checkbox"/> No Impact

No Impact: The project is not located within one-quarter mile of an existing or proposed school. Therefore, the project will not have any effect on an existing or proposed school.

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

No Impact: The project is not located on a site listed in the State of California Hazardous Waste and Substances sites list compiled pursuant to Government Code Section 65962.5.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

No Impact: The proposed project is not located within a Comprehensive Land Use Plan (CLUP) for airports; or within two miles of a public airport. Also, the project does not propose construction of any structure equal to or greater than 150 feet in height, constituting a safety hazard to aircraft and/or operations from an airport or heliport. Therefore, the project will not constitute a safety hazard for people residing or working in the project area.

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

No Impact: The proposed project is not within one mile of a private airstrip. As a result, the project will not constitute a safety hazard for people residing or working in the project area.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

The following sections summarize the project's consistency with applicable emergency response plans or emergency evacuation plans.

i. OPERATIONAL AREA EMERGENCY PLAN:

Less Than Significant Impact: The Operational Area Emergency Plan is a framework document that provides direction to local jurisdictions to develop specific operational areas of San Diego County. It provides guidance for emergency planning and requires subsequent plans to be established by each jurisdiction that has responsibilities in a disaster situation. The project will not interfere with this plan because it will not prohibit subsequent plans from being established.

ii. SAN DIEGO COUNTY NUCLEAR POWER STATION EMERGENCY RESPONSE PLAN

No Impact: The San Diego County Nuclear Power Station Emergency Response Plan will not be interfered with by the project due to the location of the project, plant and the specific requirements of the plan. The emergency plan for the San Onofre Nuclear Generating Station includes an emergency planning zone within a 10-mile radius. All land area within 10 miles of the plant is not within the jurisdiction of the unincorporated County and as such a project in the unincorporated area is not expected to interfere with any response or evacuation.

iii. OIL SPILL CONTINGENCY ELEMENT

No Impact: The Oil Spill Contingency Element will not be interfered with because the project is not located along the coastal zone or coastline.

iv. EMERGENCY WATER CONTINGENCIES ANNEX AND ENERGY SHORTAGE RESPONSE PLAN

No Impact: The Emergency Water Contingencies Annex and Energy Shortage Response Plan will not be interfered with because the project does not propose altering major water or energy supply infrastructure, such as the California Aqueduct.

v. DAM EVACUATION PLAN

No Impact: The Dam Evacuation Plan will not be interfered with because the project is located outside a dam inundation zone.

- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

☐ Potentially Significant Impact

☐ Less than Significant Impact

☒ Potentially Significant Unless
Mitigation Incorporated

☐ No Impact

Potentially Significant Unless Mitigation Incorporated: The proposed project is adjacent to wildlands that have the potential to support wildland fires. A Fire Protection Plan by Hunt Research Corporation dated September 2006 has been prepared for the project but may be further revised if revisions to the project warrant further revisions. The Draft EIR will discuss all potential fire hazards and safety features of the proposed project.

- i) Propose a use, or place residents adjacent to an existing or reasonably foreseeable use that would substantially increase current or future resident's exposure to vectors, including mosquitoes, rats or flies, which are capable of transmitting significant public health diseases or nuisances?

☐ Potentially Significant Impact

☒ Less than Significant Impact

☐ Potentially Significant Unless
Mitigation Incorporated

☐ No Impact

Less Than Significant Impact: The project does not involve or support uses that allow water to stand for a period of 72 hours (3 days) or more (e.g. artificial lakes, agricultural irrigation ponds). A De-Siltation basin is proposed as part of the Stormwater Management Plan to allow sediment and particulates to settle out of stormwater runoff before discharge offsite. Standing water will not be allowed in the De-Siltation basin for more than 72 hours. Also, the project does not involve or support uses that will produce or collect animal waste, such as equestrian facilities, agricultural operations (chicken coops, dairies etc.), solid waste facility or other similar uses. Therefore, the project will not substantially increase current or future resident's exposure to vectors, including mosquitoes, rats or flies.

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

- a) Violate any waste discharge requirements?

☐ Potentially Significant Impact

☐ Less than Significant Impact

☒ Potentially Significant Unless
Mitigation Incorporated

☐ No Impact

Potentially Significant Unless Mitigation Incorporated: The project proposes the development of 45 residential lots which requires an NPDES General Permit for Discharges of Storm Water Associated with Construction Activities, as well as approval from the Buena Sanitation District for sewer services. The project has provided a conditions letter and Sewer Facility Availability Form dated February 13, 2009 from the Buena Sanitation District. Because the project will be discharging wastewater to a RWQCB permitted community sewer system and will be required to satisfy Buena

Sanitation District conditions, the project is consistent with the wastewater treatment requirements of the RWQCB, including the Regional Basin Plan.

A Stormwater Management Plan prepared by BHA, Inc. dated July 10, 2008 has been prepared for the project but may be further revised if revisions to the project warrant further revisions to the report. The Draft EIR will discuss all potential water quality issues and best management practices the proposed project will implement.

- b) Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, could the project result in an increase in any pollutant for which the water body is already impaired?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: The project lies in the Buena hydrologic subarea (904.32), within the Carlsbad hydrologic unit. According to the Clean Water Act Section 303(d) list, June 2007, Agua Hedionda Creek located downstream of the project is listed as impaired for Total Dissolved Solids, Manganese, Selenium, and Sulfates. The area of the impairment is listed as the lower 7 miles of the Creek. The project is approximately 3 miles upgradient of this impairment by way of Buena Creek. Potential sources of this impairment are listed as urban runoff/storm sewers and unknown point and non-point sources. Buena Creek is also impaired for DDT, Nitrate and Nitrite, and Phosphate, however, the source(s) of these impairments is unknown. The project site is approximately ¼ mile upgradient of Buena Creek. In addition, Agua Hedionda Lagoon is listed as impaired for Bacteria Indicators and Sediment. Potential sources of this impairment are listed as point and nonpoint sources. Agua Hedionda Lagoon is located approximately 10 miles downgradient of the project site by way of Buena Creek and Agua Hedionda Creek. Total Maximum Daily Loads (TMDL's) have not been established for the impairments to Agua Hedionda Creek, Buena Creek, or Agua Hedionda Lagoon.

A Stormwater Management Plan prepared by BHA, Inc. dated July 10, 2008 has been prepared for the project but may be further revised if revisions to the project warrant further revisions to the report. The Draft EIR will discuss all potential water quality issues and best management practices the proposed project will implement.

- c) Could the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: The Regional Water Quality Control Board has designated water quality objectives for waters of the San Diego Region as outlined in Chapter 3 of the Water Quality Control Plan (Plan). The water quality objectives are necessary to protect the existing and potential beneficial uses of each hydrologic unit as described in Chapter 2 of the Plan.

The project lies in the Buena hydrologic subarea (904.32), within the Carlsbad hydrologic unit. Buena Creek in 904.32 and Agua Hedionda Creek in 904.31 have the following existing and potential beneficial uses for inland surface waters: Municipal and Domestic Supply, Agricultural Supply, Industrial Service Supply, Contact and Non-contact Recreation, Warm Freshwater Habitat, and Wildlife Habitat. The Buena hydrologic subarea has the following beneficial uses for groundwater: Municipal and Domestic Supply, Agricultural Supply, and Industrial Service Supply.

A Stormwater Management Plan prepared by BHA, Inc. dated July 10, 2008 has been prepared for the project but may be further revised if revisions to the project warrant further revisions to the report. The Draft EIR will discuss all potential water quality issues and best management practices the proposed project will implement.

- d) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

No Impact: The project will obtain its water supply from the Vista Irrigation District that obtains water from surface reservoirs or other imported water source. The project will not use groundwater for any purpose, including irrigation, domestic or commercial demands. In addition, the project does not involve operations that would interfere substantially with groundwater recharge including, but not limited to the following: the project does not involve regional diversion of water to another groundwater basin; or diversion or channelization of a stream course or waterway with impervious layers, such as concrete lining or culverts, for substantial distances (e.g. ¼ mile). These activities and operations can substantially affect rates of groundwater recharge. Therefore, no impact to groundwater resources is anticipated.

- e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: A Stormwater Management Plan dated July 10, 2008, and CEQA Hydrology Report dated January 10, 2005, prepared by BHA, Inc. have been prepared for the project but may be further revised if revisions to the project warrant further revisions to the report. The Draft EIR will evaluate all potential significant impacts to water quality and hydrology that might result from implementation of the project.

- f) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: A Stormwater Management Plan dated July 10, 2008, and CEQA Hydrology Report dated January 10, 2005, prepared by BHA, Inc. have been prepared for the project but may be further revised if revisions to the project warrant further revisions to the report. The Draft EIR will evaluate all potential significant impacts to water quality and hydrology that might result from implementation of the project.

- g) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: A Stormwater Management Plan dated July 10, 2008, and CEQA Hydrology Report dated January 10, 2005, prepared by BHA, Inc. have been prepared for the project but may be further revised if revisions to the project warrant further revisions to the report. The Draft EIR will evaluate all potential significant impacts to water quality and hydrology that might result from implementation of the project.

- h) Provide substantial additional sources of polluted runoff?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
|---|---|

☒ Potentially Significant Unless
Mitigation Incorporated

☐ No Impact

Potentially Significant Unless Mitigation Incorporated: A Stormwater Management Plan dated July 10, 2008, and CEQA Hydrology Report dated January 10, 2005, prepared by BHA, Inc. have been prepared for the project but may be further revised if revisions to the project warrant further revisions to the report. The Draft EIR will evaluate all potential significant impacts to water quality and hydrology that might result from implementation of the project.

- i) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps?

☐ Potentially Significant Impact

☐ Less than Significant Impact

☒ Potentially Significant Unless
Mitigation Incorporated

☐ No Impact

Potentially Significant Unless Mitigation Incorporated: A Stormwater Management Plan dated July 10, 2008, and CEQA Hydrology Report dated January 10, 2005, prepared by BHA, Inc. have been prepared for the project but may be further revised if revisions to the project warrant further revisions to the report. The Draft EIR will evaluate all potential significant impacts to water quality and hydrology that might result from implementation of the project.

- j) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

☐ Potentially Significant Impact

☐ Less than Significant Impact

☒ Potentially Significant Unless
Mitigation Incorporated

☐ No Impact

Potentially Significant Unless Mitigation Incorporated: A Stormwater Management Plan dated July 10, 2008, and CEQA Hydrology Report dated January 10, 2005, prepared by BHA, Inc. have been prepared for the project but may be further revised if revisions to the project warrant further revisions to the report. The Draft EIR will evaluate all potential significant impacts to water quality and hydrology that might result from implementation of the project.

- k) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

☐ Potentially Significant Impact

☐ Less than Significant Impact

☐ Potentially Significant Unless
Mitigation Incorporated

☒ No Impact

No Impact: The project site lies outside any identified special flood hazard area including a mapped dam inundation area for a major dam/reservoir within San Diego County. In addition, the project is not located immediately downstream of a minor dam that could potentially flood the property. Therefore, the project will not expose people to a significant risk of loss, injury or death involving flooding.

I) Inundation by seiche, tsunami, or mudflow?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

i. SEICHE

No Impact: The project site is not located along the shoreline of a lake or reservoir; therefore, could not be inundated by a seiche.

ii. TSUNAMI

No Impact: The project site is located more than a mile from the coast; therefore, in the event of a tsunami, would not be inundated.

iii. MUDFLOW

No Impact: Mudflow is type of landslide. The site is not located within a landslide susceptibility zone. In addition, though the project does propose land disturbance that will expose unprotected soils, the project is not located downstream from unprotected, exposed soils within a landslide susceptibility zone. Therefore, it is not anticipated that the project will expose people or property to inundation due to a mudflow.

IX. LAND USE AND PLANNING -- Would the project:

a) Physically divide an established community?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

No Impact: The project does not propose the introduction of new infrastructure such major roadways or water supply systems, or utilities to the area. The project will be served by Vista Irrigation District and Buena Sanitation District and will extend water and sewer lines to the project site, as well as extend Sugarbush Drive. However, these extensions will not significantly disrupt or divide the established community.

- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

- | | |
|---|---|
| <input checked="" type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Impact: The proposed project is subject to the Regional Land Use Element Policy 1.3 Estate Development Area and General Plan Land Use Designation (17) Estate Residential. The General Plan requires minimum gross parcel sizes of two or four acres (slope dependent). The current zone is A70, which requires a net minimum lot size of 2 acres. The project is also subject to the policies of the North County Metro Community Plan.

The proposed project applications include a General Plan Amendment, Specific Plan, Tentative Map, Rezone and Site Plan and the project proposes 0.5-acre residential lot sizes. Potential land use impacts will be discussed and evaluated in the Draft EIR.

X. MINERAL RESOURCES -- Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Less Than Significant Impact: Although the project site has been classified by the California Department of Conservation – Division of Mines and Geology (Update of Mineral Land Classification: Aggregate Materials in the Western San Diego Production-Consumption Region, 1997) as an area of undetermined mineral resources MRZ-3, the site is not located within an alluvial river valley or underlain by coastal marine/non-marine granular deposits. Therefore, no potentially significant loss of availability of a known mineral resource of value to the region and the residents of the state will occur as a result of this project. Moreover, if the resources are not considered significant mineral deposits, loss of these resources cannot contribute to a potentially significant cumulative impact.

- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

No Impact: The project site is zoned A70, which is not considered to be an Extractive Use Zone (S-82) nor does it have an Impact Sensitive Land Use Designation (24) with an Extractive Land Use Overlay (25) (County Land Use Element, 2000). Therefore, no potentially significant loss of availability of a known mineral resource or locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan will occur as a result of this project.

XI. NOISE -- Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: Based on a Noise Analysis prepared by Pacific Noise Control dated October 7, 2004 the project may generate construction noise that may exceed the standards of the County of San Diego Noise Ordinance (Section 36-410). This potential impact will be further evaluated in the Draft EIR.

- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

- | | |
|--|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less than Significant Impact with Mitigation Incorporated | <input type="checkbox"/> No Impact |

Less Than Significant Impact: The project proposes 45 residential lots where low ambient vibration is essential for interior use and sleeping conditions. However, the proposed residences are setback over 1100 feet from any public road or transit Right-of-Way with projected noise contours of 65 dB or more. There are no nearby parcels zoned for industrial or extractive uses. A setback of 200 feet ensures that the operations do not have any chance of being impacted by groundborne vibration or groundborne noise levels (Harris, Miller, Miller and Hanson Inc., *Transit Noise and Vibration Impact Assessment* 1995). In addition, the setback ensures that the project will not be affected by any past, present or future projects that may support sources of groundborne vibration or groundborne noise.

Also, the project does not propose any major, new or expanded infrastructure such as mass transit, highways or major roadways or intensive extractive industry that could generate excessive groundborne vibration or groundborne noise levels and impact vibration sensitive uses in the surrounding area.

Therefore, the project will not expose persons to or generate excessive groundborne vibration or groundborne noise levels on a project or cumulative level.

- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: The project involves the following permanent noise sources that may increase the ambient noise level: Residential homes and local roadways. Potential impacts from these noise sources will be evaluated in the Draft EIR.

- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: See response to a) above. In addition to the potential short-term significant construction noise impact to adjacent residences, onsite and off-site sensitive biological habitat could be impacted by construction noise as well. These potential impacts will be further evaluated in the Draft EIR.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

No Impact: The proposed project is not located within a Comprehensive Land Use Plan (CLUP) for airports or within 2 miles of a public airport or public use airport.

Therefore, the project will not expose people residing or working in the project area to excessive airport-related noise levels.

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

No Impact: The proposed project is not located within a one-mile vicinity of a private airstrip; therefore, the project will not expose people residing or working in the project area to excessive airport-related noise levels.

XII. POPULATION AND HOUSING -- Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Less Than Significant Impact: The project proposes a zone reclassification from A-70 (2-acre minimum lot size) to S88(density of 0.39, and 0.5-acre minimum lot size) on the 115.5-acre site. This proposed density is less than currently allowed and thus will not induce substantial population growth in the area. Extension of infrastructure and public facilities including water, sewer and roadways will serve the project site only. Existing easements to adjacent properties will be maintained as required by law.

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

No Impact: The proposed project will not displace existing housing since the site is currently vacant. The addition of 45 dwelling units will yield a net gain of available housing.

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

No Impact: The proposed project will not displace a substantial number of people since the site is currently vacant.

XIII. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance service ratios, response times or other performance objectives for any of the public services:
- i. Fire protection?
 - ii. Police protection?
 - iii. Schools?
 - iv. Parks?
 - v. Other public facilities?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

No Impact: Based on the service availability forms received for the project, the proposed project will not result in the need for significantly altered services or facilities. Service availability forms have been provided which indicate existing services are available to the project from the following agencies/districts: Vista Fire Protection District and Vista Unified School District. The project does not involve the construction of new or physically altered governmental facilities including but not limited to fire protection facilities, sheriff facilities, schools, or parks in order to maintain acceptable service ratios, response times or other performance service ratios or objectives for any public services. The project will pay applicable school fees pursuant to State law before building permits are issued. The State Law also significantly restricts the application of CEQA to school impact issues. Therefore, the project will not have an adverse physical effect on the environment because the project does not require new or significantly altered services or facilities to be constructed.

XIV. RECREATION

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Less Than Significant Impact: The project involves a residential subdivision that will increase the use of existing neighborhood and regional parks or other recreational facilities. To avoid substantial physical deterioration of local recreation facilities the project will be required to pay fees or dedicate land for local parks to the County pursuant to the Park Land Dedication Ordinance (PLDO). The Park Land Dedication Ordinance (PLDO) is the mechanism that enables the funding or dedication of local parkland in the County. The PLDO establishes several methods by which developers may satisfy their park requirements. Options include the payment of park fees, the dedication of a public park, the provision of private recreational facilities, or a combination of these methods. PLDO funds must be used for the acquisition, planning, and development of local parkland and recreation facilities. Local parks are intended to serve the recreational needs of the communities in which they are located. The proposed project has indicated it will pay fees in lieu of dedication. Therefore, the project meets the requirements set forth by the PLDO for adequate parkland dedication and thereby reducing impacts, including cumulative impacts to local recreational facilities. The project will not result in significant cumulative impacts, because all past, present and future residential projects are required to comply with the requirements of PLDO. Refer to XVII. Mandatory Findings of Significance for a comprehensive list of the projects considered.

There is an existing surplus of County Regional Parks. Currently, there is over 21,765 acres of regional parkland owned by the County, which far exceeds the General Plan standard of 15 acres per 1,000 population. In addition, there are over one million acres of publicly owned land in San Diego County dedicated to parks or open space including Federal lands, State Parks, special districts, and regional river parks. Due to the extensive surplus of existing publicly owned lands that can be used for recreation the project will not result in substantial physical deterioration of regional recreational facilities or accelerate the deterioration of regional parkland. Moreover, the project will not result any cumulatively considerable deterioration or accelerated deterioration of regional recreation facilities because even with all past, present and future residential projects a significant surplus of regional recreational facilities will remain.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Less Than Significant Impact: The project proposed decomposed granite pathways along the proposed roadways within the road right-of-ways throughout the project site. No other recreational facilities are proposed.

XV. TRANSPORTATION/TRAFFIC -- Would the project:

- a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: The project will have potentially significant direct and cumulative traffic impacts. A Traffic Impact Analysis (TIA), prepared by Linscott, Law, and Greenspan, dated October 9, 2008 has been completed but may be further revised if revisions to the project warrant further revisions to the report. The Draft EIR will discuss all potential traffic impacts and any required mitigation measures.

- b) Exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency and/or as identified by the County of San Diego Transportation Impact Fee Program for designated roads or highways?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Impact Unless Mitigation Incorporated: The project will have potentially significant direct and cumulative traffic impacts. A Traffic Impact Analysis (TIA), prepared by Linscott, Law, and Greenspan, dated October 9, 2008 has been completed but may be further revised if revisions to the project warrant further revisions to the report. The Draft EIR will discuss all potential traffic impacts and any required mitigation measures.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

No Impact: The proposed project is located outside of an Airport Master Plan Zone and is not adjacent to any public or private airports; therefore, the project will not result in a change in air traffic patterns.

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Impact Unless Mitigation Incorporated: The project will have potentially significant direct and cumulative traffic impacts. A Traffic Impact Analysis (TIA), prepared by Linscott, Law, and Greenspan, dated October 9, 2008 has been completed but may be further revised if revisions to the project warrant further revisions to the report. The Draft EIR will discuss all potential traffic impacts and any required mitigation measures.

- e) Result in inadequate emergency access?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Less Than Significant: The proposed project will not result in inadequate emergency access. The Vista Fire Department has reviewed the proposed project and associated emergency access roadways, as well as the Fire Protection Plan revised September 2006. It has been determined that there is adequate emergency fire access proposed. The main access to the project site is via Sugarbush Drive. Proposed Street A will be improved to 40' paved width, Streets B, C and D will be improved to 32' paved width, and Street E and the emergency gated road through Lot F connecting to Cleveland Trail will be improved to 24' paved width. All onsite roads will be required to be improved to County standards.

- f) Result in inadequate parking capacity?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Less Than Significant Impact: The Zoning Ordinance Section 6758 Parking Schedule requires two on-site parking spaces for each dwelling unit. The proposed lots have sufficient area to provide at least two on-site parking spaces consistent with the Zoning Ordinance.

- g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Less Than Significant: The project does not propose any hazards or barriers for pedestrians or bicyclists. Any required improvements will be constructed to maintain existing conditions as it relates to pedestrians and bicyclists.

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Less Than Significant Impact: The project proposes to discharge domestic waste to a community sewer system that is permitted to operate by the Regional Water Quality Control Board (RWQCB). A project facility availability form has been received from Buena Sanitation District that indicates the district will serve the project. Therefore, because the project will be discharging wastewater to a RWQCB permitted community sewer system and will be required to satisfy Buena Sanitation District conditions, the project is consistent with the wastewater treatment requirements of the RWQCB, including the Regional Basin Plan.

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

No Impact: The project does not include new or expanded water or wastewater treatment facilities. In addition, the project does not require the construction or expansion of water or wastewater treatment facilities. Based on the service availability forms received, the project will not require construction of new or expanded water or wastewater treatment facilities. Service availability forms have been provided which indicate adequate water and wastewater treatment facilities are available to the project from the following agencies/districts: Buena Sanitation District and Vista Irrigation

District. Therefore, the project will not require any construction of new or expanded facilities, which could cause significant environmental effects.

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

☐ Potentially Significant Impact

☐ Less than Significant Impact

☒ Potentially Significant Unless
Mitigation Incorporated

☐ No Impact

Potentially Significant Unless Mitigation Incorporated: The project involves new storm water drainage facilities including catch basin inlets, underground piping, de-siltation basins, and vegetated swales. A Stormwater Management Plan dated July 10, 2008, and CEQA Hydrology Report dated January 10, 2005, prepared by BHA, Inc. have been prepared for the project but may be further revised if revisions to the project warrant further revisions to the report. The Draft EIR will evaluate all potential significant impacts to water quality and hydrology that might result from implementation of the project.

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

☐ Potentially Significant Impact

☒ Less than Significant Impact

☐ Potentially Significant Unless
Mitigation Incorporated

☐ No Impact

Less Than Significant Impact: The project requires water service from the Vista Irrigation District. A Service Availability Letter from the Vista Irrigation District has been provided, indicating adequate water resources and entitlements are available to serve the requested water resources. Therefore, the project will have sufficient water supplies available to serve the project. No new or expanded entitlements have been required.

Long term water supply planning is addressed by the San Diego County Water Authority (CWA) through its Urban Water Management Plan (UWMP) which is updated every five years. The UWMP was most recently updated in 2005 and revised in April of 2007. The Vista Irrigation District (VID) is a CWA member agency that will serve the Sugarbush project. VID is also required to publish and update its own UWMP every 5 years. The next update is due in 2010. VID has received up to 95% of its water supply from the CWA in recent years, however, it also obtains some of its supply from Lake Henshaw and the Warner Ranch basin. One-third of this basin is owned by VID, which has historically supplied 30 to 40% of VID's water over the past 50 years. The CWA anticipates being able to meet its member agencies' needs through a combination of desalination, water transfers, conservation, and importing water through Metropolitan Water District. The CWA is coordinating with its member agencies to address current

water supply issues related to federal court rulings that have decreased the amount of water being pumped southward from the Bay Delta, and the drought situation on the Colorado River. Through the UWMP the CWA and member agencies plan for single and multiple year drought conditions. The CWA is also diversifying the water supply portfolio by investing in developing new sources such as desalination, increased groundwater use, increased recycled water use, and increased water transfers from the Imperial Irrigation District.

Currently, most of the region is under voluntary water conservation measures, and these measures may become mandatory in the near future. In response to the Governor's proclamation of a statewide drought this past summer, VID adopted a Drought Response Conservation Program on September 3, 2008. VID has since declared a Level One Drought Watch. According to the Drought Response Conservation Program the Level One Drought Watch has a goal of reducing consumer demand by 10% through voluntary water conservation measures. A Level Two Drought Alert condition has a goal of reducing consumer demand by 20% through mandatory water conservation measures. If the District were to declare a Level Three Drought Critical Condition (reduce consumer demand up to 40%), no new potable water service, temporary meters, or permanent meters would be provided unless a valid unexpired building permit has been issued, or if the applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset. A Level Four Drought Emergency condition requires more than 40% in consumer demand reduction which may be achieved in part by water allocation.

Therefore, plans are in place to address current water supply issues and currently there is adequate water supply for this project which may require approximately 20 to 25 acre-feet of water per year. VID delivered just under 23,000 acre-feet of water to its customers in 2007, with over 20% coming from Lake Henshaw.

- e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Less Than Significant Impact: The project requires wastewater service from the Buena Sanitation District. A Service Availability Letter from the District has been provided, indicating adequate wastewater service capacity is available to serve the requested demand. Therefore, the project will not interfere with any wastewater treatment provider's service capacity.

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Less Than Significant Impact: Implementation of the project will generate solid waste. All solid waste facilities, including landfills require solid waste facility permits to operate. In San Diego County, the County Department of Environmental Health, Local Enforcement Agency issues solid waste facility permits with concurrence from the California Integrated Waste Management Board (CIWMB) under the authority of the Public Resources Code (Sections 44001-44018) and California Code of Regulations Title 27, Division 2, Subdivision 1, Chapter 4 (Section 21440et seq.). There are five, permitted active landfills in San Diego County with remaining capacity. Therefore, there is sufficient existing permitted solid waste capacity to accommodate the project's solid waste disposal needs.

- g) Comply with federal, state, and local statutes and regulations related to solid waste?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Less than Significant Impact: Implementation of the project will generate solid waste. All solid waste facilities, including landfills require solid waste facility permits to operate. In San Diego County, the County Department of Environmental Health, Local Enforcement Agency issues solid waste facility permits with concurrence from the California Integrated Waste Management Board (CIWMB) under the authority of the Public Resources Code (Sections 44001-44018) and California Code of Regulations Title 27, Division 2, Subdivision 1, Chapter 4 (Section 21440et seq.). The project will deposit all solid waste at a permitted solid waste facility and therefore, will comply with Federal, State, and local statutes and regulations related to solid waste.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE:

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: Per the instructions for evaluating environmental impacts in this Initial Study, the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory were considered in the response to each question in sections IV and V of this form. These issues will be further evaluated in the respective technical reports and in the Draft EIR.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially significant cumulative impacts will be addressed in the technical reports that are being prepared or revised for this project and in the Draft EIR.

- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Potentially Significant Unless Mitigation Incorporated: Potentially significant environmental effects that might have adverse direct or indirect effects on humans will be addressed in the technical reports that are being prepared or revised for this project and in the Draft EIR.

XVIII. REFERENCES USED IN THE COMPLETION OF THE INITIAL STUDY CHECKLIST

All references to Federal, State and local regulation are available on the Internet. For Federal regulation refer to <http://www4.law.cornell.edu/uscode/>. For State regulation refer to www.leginfo.ca.gov. For County regulation refer to www.amlegal.com. All other references are available upon request.

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April 30, 2009

Via first class mail

Robert Hingtgen, Project Planner
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

RECEIVED
MAY 06 2009

DEPARTMENT OF PLANNING
AND LAND USE

Re: *Comments on Notice of Preparation for Sugarbush Residential Project*
(GPA 05-010, SP 03-003, R04-008, TM5295RPL, S04-015; Env. Rev. No. 02-08-047)

Dear Mr. Hingtgen:

I represent Lindsay Townley, Susan Arneson, Dave Root, and other residents in the Sugarbush/Lone Oak area of San Diego County with respect to the Sugarbush Residential Project (the "Project"). Since December 15, 2005, when the Mitigated Negative Declaration (MND) for the Project was first released to the public, I have submitted numerous comment letters to the County Department of Planning and Land Use (DPLU) identifying potential environmental impacts of the Project that require study in an Environmental Impact Report (EIR). I have augmented those comments by testifying before the County Planning Commission and bringing to light flaws and omissions in DPLU's assessment of the Project's environmental effects. The County has now determined that an EIR is, in fact, required to properly assess the potential impacts of the Project. This is a hopeful sign. For purposes of this NOP, however, it does not make sense for me to repeat points already made in greater detail elsewhere. Therefore, in the interest of economy, I will simply incorporate my former comments by this reference and request that DPLU consult them as part of the NOP process for this Project.

That said, however, there is one topic which, until this NOP was issued, was not ripe for discussion but now must be addressed: Project alternatives. As the staff at DPLU knows, the proposed EIR must evaluate a reasonable range of alternatives which, if implemented, could reduce or eliminate certain significant impacts of the Project. No feasible alternative brought to the attention of the lead agency (*i.e.*, the County) may be ignored or discarded without due consideration and analysis. With these legal requirements in mind, my clients would like DPLU to evaluate the following two alternatives, among others:

GATZKE DILLON & BALLANCE LLP

Robert Hingtgen, Project Planner

April 30, 2009

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1. **The "No Amendment/No Zone Change" Alternative.** Under this alternative, the project applicant would not request a General Plan amendment or zone change and instead would conform his project to the plan designation and zoning restrictions that currently govern the property. Such an alternative would still have to satisfy all applicable County ordinances and policies, including those which protect ridgelines, slopes, and other topographic and biological resources. This alternative would also have to meet any requirements imposed by the California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers.
2. **The "Reduced Unit/No New Bridge" Alternative.** Under this alternative, the project applicant would reduce the number of residential units to a point where either (a) Cleveland Trail, *in its existing condition*, would serve adequately as a secondary/emergency access, or (b) no secondary/emergency access would be required. The purpose of such an alternative would be to eliminate the need for a new bridge over Buena Creek. As became clear during the recent Planning Commission hearing, the Project, as currently proposed, would require that the Cleveland Trail bridge over Buena Creek be widened, strengthened, and perhaps raised as well. The cost of this bridge work – in terms of money and impacts to the creek and riparian resources – is potentially huge.

Thank you for this opportunity to respond to the NOP. If you have any questions regarding this letter or its contents, please feel free to call me.

Sincerely,



David P Hubbard
of
Gatzke Dillon & Ballance LLP

DPH:rlf

cc: Lindsay Townley
Susan Arneson
Dave Root

PUBLIC UTILITIES COMMISSION

320 West 4th Street, Suite 500

Los Angeles, CA 90013



May 11, 2009

File Number: SCH#2005121098

Robert Hingtgen
San Diego County Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123

RE: SCH#2005121098 Comments on Sugarbush Residential Development Project

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration and closure of crossings.

I recently reviewed the Notice of Preparation (NOP) for the Sugarbush Residential Development project on behalf of staff of the California Public Utilities Commission - Rail Crossings Engineering Section (RCES). The project is located north of San Marcos and east of Vista. It is located at the southern terminus of Sugarbush Drive, and western terminuses of Cleveland Trail and Lone Oak Lane. The project site is in close proximity to the North County Transit Development Board (NCTD) railroad line.

RCES staff is concerned with the project possibly impacting the highway-rail crossings of South Santa Fe (CPUC Crossing No. 106E-112.95) and Buena Creek (CPUC Crossing No. 106E-112.37). We recommend that the City evaluate the impact of the project to the two at-grade crossings. The County should study any vehicle queues that might back up to the tracks from the intersections of South Santa Fe and Buena Creek.

If you have any questions, you can contact me at 213-576-7076 or ldi@cpuc.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads 'Laurence Michael'.

Laurence Michael
Utilities Engineer
Rail Crossings Engineering Section

MAY 13 '09 PM 12:35